

Serial Number \_\_\_\_\_

### **NO SURFACE OCCUPANCY STIPULATION**

No surface occupancy or use is allowed within one-quarter mile of wetlands identified as piping plover habitat.

On the lands described below:

For the purpose of:

To protect the habitat of the piping plover, an endangered species under the Endangered Species Act (ESA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the piping plover or its habitat. If the authorized officer determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the US Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area can be modified if the authorized officer, in consultation with the FWS, determines that portions of the area are no longer essential to the piping plover.

Waiver: This stipulation can be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold no longer contains habitat essential to the piping plover or if the piping plover is declared recovered and is no longer protected under the ESA.

NSO 11-9  
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